

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

PAULETTE CURTIS,)	
)	
Plaintiff,)	
)	
v.)	No. 4:15CV1721 CDP
)	
CAINE & WEINER COMPANY, INC.,)	
)	
Defendant.)	

MEMORANDUM AND ORDER


Plaintiff Paulette Curtis brings this action alleging that defendant Caine & Weiner Company, Inc.'s efforts to collect on a debt violated various provisions of the Fair Debt Collections Practices Act, 15 U.S.C. §§ 1692, *et seq.* Upon removal of the action to this Court from the Circuit Court of the City of St. Louis, Missouri, defendant sought to dismiss plaintiff's complaint under Fed. R. Civ. P. 12(b)(6) for failure to state a claim. Plaintiff thereafter amended her complaint, after which defendant again filed a motion to dismiss under Rule 12(b)(6) seeking to dismiss the amended complaint in its entirety. Plaintiff now requests that I stay my ruling on defendant's most recent motion and convert it to one for summary judgment or, in the alternative, grant her additional time to respond to the motion to dismiss. Defendant consents to plaintiff's request for additional time to respond, but opposes the motion to stay.

Upon consideration of the matter,

IT IS HEREBY ORDERED that plaintiff's Motion to Stay Defendant's Motion to Dismiss [ECF #15] is DENIED to the extent it requests that I stay my ruling on defendant's motion to dismiss the amended complaint. To the extent plaintiff requests additional time to respond to the motion to dismiss, the request is GRANTED. Plaintiff shall have to and including **January 8, 2016**, by which to respond to defendant's Motion to Dismiss Plaintiff's First Amended Complaint for Failure to State a Claim Upon Which Relief Can be Granted.

Given that plaintiff's First Amended Complaint is now the effective pleading before the Court,

IT IS FURTHER ORDERED that defendant's Motion to Dismiss Plaintiff's Petition for Failure to State a Claim Upon Which Relief Can be Granted [ECF #8], which is directed to plaintiff's original pleading in this cause, is DENIED AS MOOT. *See Cartier v. Wells Fargo Bank, N.A.*, 547 Fed. Appx. 800, 803 (8th Cir. 2013) (an amended complaint supersedes an original complaint and renders the original complaint without legal effect).


CATHERINE D. PERRY
UNITED STATES DISTRICT JUDGE

Dated this 6th day of January, 2016.